

Message Text

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ACTION EUR-08

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LIMDIS

E.O. 11652: GDS

TAGS: PFOR, CSCE, XG

SUBJECT: CSCE POLICY: QUADRIPARTITE RIGHTS ISSUE

1. SUMMARY: SWISS AND MALTESE DELEGATION HEADS, ACTING IN BEHALF OF ALL NEUTRAL AND NON-ALIGEND DELEGATIONS, CALLED ON FRENCH AMBASSADOR ANDRE FEBRUARY 4 TO STATE FORMALLY OBJECTIONS OF THEIR GROUP TO QUADRIPARTITE RIGHTS AND RESPONSIBILITIES (QRR) TEXT TABLED BY FRENCH IN PRINCIPLES SUBCOMMITTEE. IT HAS BEEN COMMON KNOWLEDGE FOR THE LAST FEW DAYS THAT THIS MOVEMENT WAS BREWING AND INFORMAL CONSULTATIONS HAVE ALREADY BEGUN AMONG QUADRIPARTITE AND BONN GROUP DELEGATIONS HERE. WHILE NO FIRM CONCLUSIONS HAVE BEEN REACHED, GENERAL DISPOSITION OF FIVE DELEGATIONS MOST DIRECTLY CONCERNED HAS BEEN TO HOLD TO QRR TEXT AS TABLED AND TO OPEN DIALOGUE WITH NEUTRALS TO EXPLAIN FULLY WHY SUCH A TEXT IS NECESSARY AND WHY THREE ALTERNATIVES PROPOSED BY NEUTRALS ARE UNACCEPTABLE. NEVERTHELESS, THE DEPARTMENT MAY WISH TO BEGIN CONSIDERING FALL BACK POSITIONS. END SUMMARY.

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2. SWISS DELEGATION HEAD AND WELL-KNOWN INTERNATIONAL JURIST (BINDSCHEDLER) MADE FORMAL ORAL PRESENTATION TO ANDRE, AS SPOKESMAN OF QUADRIPARTITE DELEGATIONS, ON QRR TEXT. THERE FOLLOWS INFORMAL DELEGATION TRANSLATION OF FRENCH DEL EGA-
TION'S SUMMARY OF BINDECHDLDER'S REMARKS WHICH WAS CIRCULATED YESTERDAY TO ALL BONN GROUP DELS.

3. BEGIN TEXT.

A. THE TEXT TABLED BY FRANCE, EVEN IF UNDERSTOOD TO ADDRESS THE PARTICULAR SITUATION IN GERMANY, IS COUCHED IN GENERAL TERMS. THUS ANY STATE COULD USE IT TO ADVANCE ITS OWN INTERESTS AND EVEN TO JUSTIFY ACTION AGAINST ANOTHER STATE. THE BREZHNEV DOCTRINE WOULD BE RECOGNIZED AND, IN CONSEQUENCE, ALL THAT HAS BEEN ACHIEVED AT THIS CONFERENCE WOULD BE DESTROYED. CYPRUS FOR ITS PART CONSIDERS THAT THE TEXT TENDS TO CONFIRM THE GUARANTOR POWERS RIGHT OF INTERVENTION IN THE ISLAND AND CANNOT ACCEPT IT.

B. FROM A DRAFTING STANDPOINT, THERE ARE TWO DIFFICULTIES:

--THE TERM "RESPONSIBILITIES", WHOSE SIGNIFICANCE AND APPLICABILITY ARE UNDERSTOOD WHEN IT IS USED IN THE FRAMEWORK OF THE GERMAN QUESTION, CAN BE READ IN VARIOUS WAYS AND COULD SERVE AS A BASIS FOR ALL KINDS OF FALSE INTERPRETATIONS IF IT APPEARS WITHOUT ANY REFERENCE TO GERMANY;

--THE REFERENCE TO INTERNATIONAL LAW IS SUPERFLUOUS. IN FACT, A TREATY FOR AGREEMENT IS, BY DEFINITION, IN CONFORMITY WITH INTERNATIONAL LAW. UNDER THESE CONDITIONS THE NEUTRAL AND NON-ALIGNED DELEGATIONS MAKE THREE SUGGESTIONS.

--ABANDONMENT, IN THE PRINCIPLES DECLARATION, OF ANY DISCLAIMER RELEVANT TO THE GERMAN PROBLEM. INDEED, SUCH A DISCLAIMER IS NOT NECESSARY SINCE IT IS UNDERSTOOD THAT THE CONFERENCE DOCUMENTS WILL NOT HAVE A BINDING CHARACTER AND THUS COULD NOT CALL INTO QUESTION EXISTING RIGHTS;

-- A SEPARATE QRR DECLARATION, WHICH COULD PARALLEL THE QUADRIPARTITE STATEMENT OF NOVEMBER 9, 1972, ON THE OCCASION OF ADMISSION OF THE TWO GERMAN STATES TO THE UN;

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--THE FRENCH CSCE DELEGATION HEAD, MOREOVER, MADE A STATEMENT OF THIS SORT AT THE OPENING OF THE SECOND PHASE OF THE CONFERENCE (STATEMENT OF SEPTEMBER 28, 1973);
--FINALLY A SPECIAL CLAUSE APPEARING IN THE DECLARATION OF PRINCIPLES BUT MENTIONING GERMANY EXPLICITLY. END TEXT.

4. BONN GROUP AND SOVIET VIEW IS THAT QRR POWERS SHOULD HOLD FIRMLY TO THEIR POSITION INITIALLY AND INDICATE NO

REPEAT NO WILLINGNESS CONSIDER SPECIFIC CHANGES IN QRR TEXT. RATHER, IN INFORMAL CONTACTS WITH NEUTRALS DURING NEXT FEW DAYS THEY WILL EXPLAIN WHY QRR TEXT IS NECESSARY AND WHY ALTERNATIVES PROPOSED BY NEUTRALS ARE UNACCEPTABLE.

5. IN WORKING DINNER OF BONN GROUP DELS FEBRUARY 5, CONSENSUS WAS THAT SPECIFIC PROBLEM OF CYPRIOT DEL WITH QRR TEXT WAS MORE CATALYST THAN CAUSE OF NEUTRAL ACTION. YUGOSLAVS ARE BELIEVED TO BE DEEPLY CONCERNED BY BREZHNEV DOCTRINE IMPLICATIONS OF TEXT, PARTICULARLY WORK "RESPONSIBILITIES" (A CONCERN SHARED OUTSIDE THE NEUTRAL GROUP BY ROMANIA, AS WELL AS BY SEVERAL ALLIED DELS). SWISS HAVE NO SPECIFIC NATIONAL INTERESTS AT STAKE, AND THEIR ROLE MAY RELATE LARGEMLY TO PERSONALITY OF BINSCHEKLER AND OF HIS ACTIVIST DEPUTY. ALL OF THE NEUTRALS, HOWEVER, PROBABLY SEE IN THE QRR TEXT A HINT OF GREAT POWERS ARROGANCE AND WANT TO REGISTER AT LEAST A SYMBOLIC PROTEST.

6. BONN GROU DELS MEETING OF FEBRUARY 5 ALSO INFORMALLY CANVASSED POSSIBILITIES OF AMENDING TEXT TO APPEASE NEUTRALS. FRENCH, U AND US SAID THEIR GOVERNMENTS MIGHT BE ABLE TO DROP "RESPONSIBILITIES" (WE EMPHASIZED WE WERE WITHOUT INSTRUCTIONS). FRG DEL, WHICH HAD EARLIER ADVOCATED INCLUSION OF THE TERM, WAS SILENT ON THE MATTER. FRENCH DEL SAID SAUVAGNARGUES HAD PERSONALLY INSISTED ON INCLUSION OF PHRASE "OR WHICH CONCERN THEM", AND HE THEREFORE DOUBTED PARIS WOULD AGREE TO DEOP THAT LANGUAGE, EVEN THOUGH ADMINTTEDLY IT TOO MAY BOTHER THE NEUTRALS.

7. SOVIET DEL (MENDELEVICH) EARLIER TOLD US THAT IT DID NOT WANT ANY CNANGES IN QRR TEXT. WE DOUBT THAT THAT

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WOULD BE MOSCOW'S LAST WORD IF THIS BECOMES A MAJOR ISSUE SEROUSLY COMPLICATING STAGE II WORK AND IF OTHER QUADRI-PARTITE DELS PLUS FRG COULD ACCEPT SOME AMENDMENTS LIKELY TO SATISFY NEUTRALS.

8. DEPARTMENT MAY WISH, ON CONTINGENCY BASIS, TO CONSIDER ACCEPTABLE TEXTUAL MODIFICATIONS OR OTHER POSSIBLE FALBACK POSITIONS.DALE

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